IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 18700 of 2004

Between:

Smt. Juthiga Ratnakumari W/o Suklacharyulu
R/o Jangareddigudem, West Godavari District

..... PETITIONER

AND

1 The Assistant Agent to the Government (Tribal Welfare),

Jangareddigudem,

West Godavari District
2 Jalapati Mahalakshmaiah S/o Veeranna
R/o Ganapavaram, Buttaigudem Mandal, West Godavari
3 Jalapati Venkateswara Rao S/o Veeranna
R/o Ganapavaram, Buttaigudem Mandal, West Godavari
4 Smt. Pala Venkayamma W/o Bhimaraju
R/o Near Sita Hospital, Jangareddigudem, West Godavari District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction in the nature of writ of Mandmaus declaring the action of the 1st respondent who is not proceeding with the case filed by petitioner on 4-8-2004 seeking permanent injunction against respondents No.2 to 4 is illegal, arbitrary and violative of principles of natural justice, and consequently direct the first respondent to conduct an enquiry on petitioner's case dt 4-8-2004

Counsel for the Petitioner:MR.NARAM.NAGESWARA RAO

Counsel for the Respondent No.1: GP FOR REVENUE

The Court at the stage of admission made the following ORDER:

Heard learned counsel on either side and at their request the writ petition is taken up for disposal at the stage of admission itself.

Petitioner claims that after the death of her husband, she has been cultivating their land in an extent of Ac.2.00 in R.S.No.357/1 at Ganapavaram village of Buttaigudem Mandal, West Godavari District. While so, respondents 2 and 3, with the active support of the fourth respondent, are trying to grab the above said land. Therefore, the petitioner filed a civil case before the first respondent on 04.08.2004 seeking permanent injunction against respondents 2 to 4. She also filed one petition seeking temporary injunction. But, the first respondent, in one way or the other, protracting the matter without passing any orders on the suit filed by the petitioner. Hence, the present writ petition.

Once the civil jurisdiction is conferred on the first respondent to entertain a suit over the areas covered by the A.P. Scheduled Area Land Transfer Regulations, the first respondent is bound to discharge the duties cast upon him. But, the inaction on the part of the first respondent in entertaining the suits and passing appropriate orders on interlocutory applications will result in denial of right of redressal to the parties. In view of the same, the first respondent is directed to pass appropriate orders on the petition filed by the petitioner, pending disposal of the suit, within a period of two weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of.

12.10.2004

ksld

To

1 The Assistant Agent to the Government (Tribal Welfare),

Jangareddigudem, West Godavari District.

2 Two Ccs. to the Govt. Pleader for Revenue, High Court of A.P.,

Hyderabad (OUT).

3 Two CD copies.